



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA FIRST CLASS MAIL

DEC 31 2003

Walter D. Haskins, Esq.
Atkinson, Haskins, Nellis, Holeman,
Brittingham, Gladd & Carwile
525 South Main Street, Suite 1500
Tulsa, OK 74103

RE: MUR 4818
Harold Massey, Sr.

Dear Mr. Haskins:

On December 15, 2003, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter as it pertains to Mr. Massey.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) still apply, and that this matter is still open with respect to other respondents. The Commission will notify you when the entire file has been closed.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Margaret J. Toalson".

Margaret J. Toalson
Attorney

Enclosure
Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Harold Massey, Sr.

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MUR 4818

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission (the "Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Harold Massey, Sr. ("Respondent") knowingly and willfully violated 2 U.S.C. § 441f.

NOW, THEREFORE, the Commission and the Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(5)(A)(i) and 11 C.F.R. § 111.18(d).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

Actors

1. Walter L. Roberts was a candidate for Oklahoma's Third Congressional District in 1998. Roberts is also an artist and the owner of an auction company ("Auction Company") located in McAlester, Oklahoma.

24-03-408-1332

2. Walt Roberts for Congress (the "Committee") was the political committee within the meaning of 2 U.S.C. § 431(4) for Roberts.
3. The primary election for the Democratic nomination to represent Oklahoma's Third Congressional District, which Roberts ran in, occurred on August 25, 1998. Roberts received the most votes in the primary, but not enough to avoid a runoff election, held on September 15, 1998. The general election occurred on November 3, 1998.
4. Gene Stipe was the founder of the Stipe Law Firm (the "Firm") located in McAlester, Oklahoma, where he was a senior partner until 2003. Gene Stipe was also an Oklahoma state senator representing a portion of Southeastern Oklahoma, and a political mentor and friend to Roberts.
5. Charlene Spears was an employee at the Firm and Gene Stipe's personal assistant. Spears was involved in the Roberts' campaign, making decisions on campaign purchases, instructing staff, and handling some of the campaign's banking.
6. Harold Massey, Sr. is a businessman in Stringtown, Oklahoma and is an acquaintance of Stipe.

Applicable Law

7. The Federal Election Campaign Act of 1971, as amended (the "Act"), makes it unlawful for any person to contribute to any candidate and his authorized political committee for Federal office to \$1,000 per election. 2 U.S.C. § 441a(a)(1)(A).

24-07-408-1383

8. It is also unlawful for any person to make a contribution in the name of another, or for any person to knowingly permit his or her name to be used to make such a contribution. Moreover, no person may knowingly help or assist any person in making a contribution in the name of another. 2 U.S.C. § 441f; 11 C.F.R. § 110.4(b)(1)(iii).

Factual Background

9. On or about October 12, 1998, Stipe visited Massey, Sr. in Stringtown, OK and asked Massey, Sr. to funnel money to the Committee in the form of campaign contributions that Stipe would provide. Massey, Sr. agreed and observed Stipe write a check for \$9,990. Stipe instructed Massey, Sr. to split the check up so that they could provide contributions to the Committee.
10. Previously, in August, 1998, Stipe had visited Massey, Sr. in Stringtown, OK and provided him with \$10,000 in cash along with the same instructions to split the money up between himself and his family to provide contributions to the Committee.
11. On a third occasion, an agent of the Committee visited Massey, Sr. in his office and provided him with an additional unknown amount of cash with similar instructions from Stipe that he was to use it to make and assist others in making contributions to the Committee.
12. Massey, Sr. then approached Debbie Massey, Larry "Mitch" Lowe, Cynthia Lowe, Harold Massey, Jr., Jill Massey, Michael Massey, and Dorothy Massey and asked if they would make contributions to the Committee with money that he would provide from Stipe. Each agreed and made contributions using that

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money to the Committee. Massey, Sr. also made contributions using money provided by Stipe to the Committee.

13. As a result, the Committee reported these contributions as from the straw contributor and not the actual contributor, Gene Stipe. These contributions were as follows:

Straw Contributor	Conduit	Amount of Contribution	Date of Contribution	Date Report filed with FEC
Harold Massey, Sr.	Massey, Sr.	\$990	8/20/98	11/20/98
Harold Massey, Sr.	Massey, Sr.	\$1,000	10/14/98	10/21/98
Harold Massey, Sr.	Massey, Sr.	\$1,000	10/14/98	10/21/98
Debbie Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Debbie Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Debbie Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Larry "Mitch" Lowe	Massey, Sr.	\$990	8/19/98	9/7/98
Larry "Mitch" Lowe	Massey, Sr.	\$1,000	10/15/98	12/3/98
Larry "Mitch" Lowe	Massey, Sr.	\$1,000	10/15/98	12/3/98
Cynthia Lowe	Massey, Sr.	\$990	8/19/98	9/7/98
Cynthia Lowe	Massey, Sr.	\$1,000	10/15/98	12/3/98
Cynthia Lowe	Massey, Sr.	\$1,000	10/15/98	12/3/98
Harold Massey, Jr.	Massey, Sr.	\$990	8/19/98	9/7/98
Harold Massey, Jr.	Massey, Sr.	\$1,000	10/14/98	10/21/98
Harold Massey, Jr.	Massey, Sr.	\$1,000	10/14/98	10/21/98
Jill Massey	Massey, Sr.	\$990	8/19/98	9/7/98
Jill Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Jill Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Michael Massey	Massey, Sr.	\$990	8/19/98	9/7/98
Michael Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Michael Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Dorothy Massey	Massey, Sr.	\$990	8/19/98	9/7/98
Dorothy Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98
Dorothy Massey	Massey, Sr.	\$1,000	10/14/98	10/21/98

14. Respondent knew that his contributions and those of the other straw contributors were illegal when he made them and assisted others in the making of them.

Violations

V. Respondent Harold Massey, Sr. knowingly and willfully violated 2 U.S.C. § 441f by assisting Gene Stipe in the making of excessive contributions to Walt Roberts for Congress in the names of others. Respondent will cease and desist from violating 2 U.S.C. § 441f.

Civil Penalty

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of *thirty-six thousand (\$36,000.00)* pursuant to 2 U.S.C. § 437g(a)(5)(A).

Other Provisions

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. Respondent shall have no more than thirty days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement.

24-04-408-1386

IX. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence H. Norton
General Counsel

BY:

Rhonda J. Vosdigh
Rhonda J. Vosdigh
Associate General Counsel
for Enforcement

12/31/03
Date

FOR THE RESPONDENT:

Harold Massey Sr
Harold Massey, Sr.

Nov 25, 2003
Date

EST. 804-403-1397